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|-------------------------------|------------------------|---------------------|--|
| <b>Notice of Allowability</b> | <b>Application No.</b> | <b>Applicant(s)</b> |  |
|                               | 09/752,467             | TSUCHIYA ET AL.     |  |
|                               | Examiner<br>Zhuo H. Li | Art Unit<br>2185    |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1.  This communication is responsive to 6-13, 25, 30, 35, 40, and 44.
2.  The allowed claim(s) is/are 01/03/2001.
3.  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a)  All    b)  Some\*    c)  None    of the:
    1.  Certified copies of the priority documents have been received.
    2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3.  Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4.  A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5.  CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
  - (a)  including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
    - 1)  hereto or 2)  to Paper No./Mail Date \_\_\_\_\_.
  - (b)  including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6.  DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

#### Attachment(s)

1.  Notice of References Cited (PTO-892)
2.  Notice of Draftsperson's Patent Drawing Review (PTO-948)
3.  Information Disclosure Statements (PTO-1449 or PTO/SB/08),  
Paper No./Mail Date \_\_\_\_\_
4.  Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5.  Notice of Informal Patent Application (PTO-152)
6.  Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_.
7.  Examiner's Amendment/Comment
8.  Examiner's Statement of Reasons for Allowance
9.  Other \_\_\_\_\_.

**EXAMINER'S STATEMENT AND REASONS FOR ALLOWANCE**

1. Claims 6-13, 25, 30, 35, 40 and 44 are allowed.

2. The following is an examiner's statement of reasons for allowance:

Applicant's invention is drawn to backup system and method for efficiently backup-up data in a computer system having a disk shared file system by determining data using the edited log of an entire system which is obtained by gathering all the logs after termination of the backup process (i.e., a log management device and forming device in communicate with a plurality of computer system performing backup operation in the shared medium, and the log management device controls the original data before an access occurs as a log, and forms an entire log gathering logs of two or more computers, the formation device forms the data at the start point of the backup process using the entire log).

Applicant's independent claims 6, 25, 35 and 40 each recites, *inter alia*, a backup system with a structure as defined in the specification (pages 13-17 and pages 20-29) including a log management device (6) managing original data before a write access occurs as a log including recording a time of the log, and generating an entire log by gathering logs of two or more computers, by selecting an oldest log from among logs for the same area in the sharing medium if there are the logs for the same area among the logs of the two or more computers, and by discarding the remaining log among the logs for the same area. Applicant's independent claims 6, 25, 35, and 40 each comprises a particular combination of element, which is neither taught nor suggested by the prior art.

Applicant's independent method claims 30 and 44 each recites, *inter alia*, generating an entire log by gather logs of two or more computers, by selecting an oldest log from among logs for the same area in the sharing medium if there are the logs for the same area the logs of the two or more computers, and by discarding a remaining log among the logs for the same area. These steps, in combination of the remaining steps, are neither taught nor suggested by the prior art.

Accordingly, Applicant's claims are allowed for these reasons, and for the reasons recited in the previous amendments.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Zhuo H. Li whose telephone number is 571-272-4183. The examiner can normally be reached on Tues - Fri 9:00am - 6:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matthew Kim can be reached on 571-272-4182. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2185

4. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



BEHZAD JAMES PEIKARI  
PRIMARY EXAMINER

Zhuo H. Li 

Patent Examiner  
Art Unit 2185